

Beth Maxwell Stratton  
Chapter 7 Trustee  
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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In the Matter of  
BERNARDINO SILVA and  
THERESA ANN SILVA,  
Debtors.

Case No. 09-62565-A-7

Chapter 7

DC. No. BMS - 2

**MOTION TO SELL PROPERTY  
OUT OF THE ORDINARY COURSE  
OF BUSINESS AT PUBLIC  
AUCTION**

**Date:** April 23, 2010

**Time:** 9:00 a.m.

**Dept:** A, Hon. Whitney Rimel

TO THE HONORABLE WHITNEY RIMEL, UNITED STATES BANKRUPTCY JUDGE:

Beth Maxwell Stratton, Chapter 7 Trustee, respectfully represents:

1. She is the duly appointed, qualified and acting trustee of the above-entitled estate.
2. The above-captioned case was filed under Chapter 7 on December 23, 2009.
3. This Court has jurisdiction over this proceeding by virtue of 28 U.S.C. §1334(a). This is a "core" proceeding pursuant to 28 U.S.C. §157(b)(2)(A), (N). This motion is brought pursuant to 11 U.S.C. §363.
4. The assets of the estate include a 2003 Ford 15-passenger van ("van").
5. The Trustee wishes to sell the subject van so that the proceeds can be used to

1 benefit the estate. Trustee has elected to sell the van by means of public auction to be held  
2 on or after April 27, 2010, at Baird Auctions and Appraisals located at 1328 North Sierra  
3 Vista, Suite B, Fresno, California.

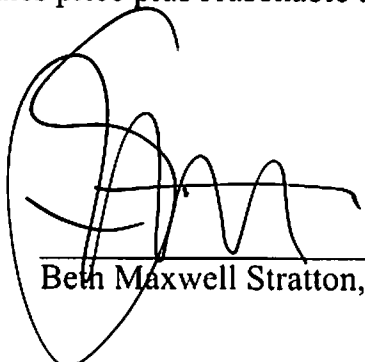
4 6. Trustee has previously filed an application for authority to employ Baird  
5 Auctions and Appraisals ("Auctioneer"), and the employment was approved by the Court on  
6 March 2, 2010.

7 7. Auctioneer routinely holds regularly scheduled, and advertised, auctions on  
8 Tuesday nights. Auctioneer's compensation shall be 15% of the sale price of the property,  
9 plus a 10% buyer's premium which is not taken from the sales proceeds. Auctioneer shall  
10 also charge storage fees of \$2.00 per day for the vehicle.

11 8. Trustee believes that such auction is in the best interest of the creditors.

12 WHEREFORE, Trustee prays that she be authorized to sell the van at public auction,  
13 and to pay the auctioneer 15% of the sales price plus reasonable and necessary storage fees.

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15 Dated: March 1, 2010

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19 Beth Maxwell Stratton, Chapter 7 Trustee  
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